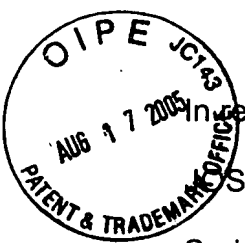


IFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

August 12, 2005

In re Application of

SEPH J. SETTELMAYER, SCOTT R. ALLEN and TIMOTHY C. SMITH

Serial No. : 10/767,398

Art Unit 3727

Filed : January 28, 2004

For : CAR TOP CARRIER

Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**PETITION TO CORRECT FILING RECEIPT AND  
REPLY TO RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT**

In reply to the Response to Request for Corrected Filing Receipt (copy enclosed), applicants are filing this petition to correct the filing receipt regarding the above-identified patent application. On January 21, 2005, applicants submitted a Request for Correction of Filing Receipt accompanied by a marked filing receipt corrected the domestic priority data (attached as Exhibit A). Applicants received in response to that request a communication from the Patent Office dated February 4, 2005 informing applicants that they must "petition" to correct the date (attached as Exhibit B). As noted in Applicants' original request for correction of filing receipt, the error that occurred is on behalf of the Patent Office, the correct date of the priority application is contained in the cross reference paragraph on page 1 of the specification (attached as Exhibit C).

Therefore, applicants respectfully request that the filing receipt and records be corrected to show the priority date of January 28, 2003 as originally filed. There is no fee accompanying this petition. If there are any further questions, you may reach applicants' undersigned attorney at the below-listed phone number.

CERTIFICATE OF MAILING

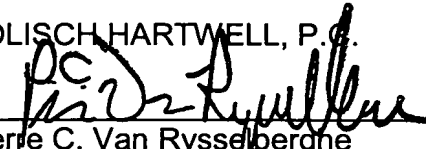
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 12, 2005.

  
Pamela A. Knight

Date of Signature: August 12, 2005

Respectfully submitted,

KOLISCH HARTWELL, P.C.

  
Pierre C. Van Rysseberghe

Registration No. 33,557

Customer PTO No. 23581

of Attorneys for Applicants

520 SW Yamhill Street, Suite 200

Portland, Oregon 97204

Telephone: (503) 224-6655

Facsimile: (503) 295-6679

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

January 21, 2005

JOSEPH J. SETTELMAYER, SCOTT R. ALLEN  
and TIMOTHY C. SMITH

Serial No. : 10/767,398

Art Unit 3727

Filed : January 28, 2004

For : CAR TOP CARRIER

Office of Initial Patent Examination's  
Filing Receipt Corrections  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**REQUEST FOR CORRECTION OF FILING RECEIPT**

Applicants request correction of the enclosed filing receipt in connection with the above-identified patent application. The filing receipt incorrectly lists the date in the "Domestic Priority data as claimed by applicant" as "01/29/2003". The correct date is --01/28/2003-- as stated in the cross reference paragraph in the application.

Please send a corrected filing receipt to applicants' undersigned attorney.

**CERTIFICATE OF FACSIMILE**

Respectfully submitted,

I hereby certify that this correspondence is being sent via facsimile to the Office of Initial Patent Examination's Filing Receipt Corrections at (703) 746-9195 on January 21, 2005.

  
Pamela A. Knight

Date of Signature: January 21, 2005

KOLISCH HARTWELL, P.C.

  
Pierre C. Van Rysselberghe

Registration No. 33,557

Customer PTO No. 23581

of Attorneys for Applicants

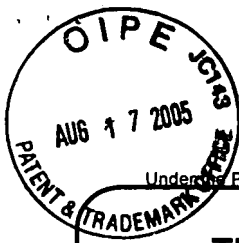
200 Pacific Building

520 SW Yamhill Street

Portland, Oregon 97204

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Facsimile: (503) 295-6679



## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number

10/767,398

Filing Date

January 28, 2004

First Named Inventor

Joseph J. Settelmayer

Art Unit

3727

Examiner Name

Attorney Docket Number

YAK 382

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	return receipt postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Kolisch Hartwell, P.C.		
Signature			
Printed name	Pierre C. Van Rysselberghe		
Date	August 12, 2005	Reg. No.	33,557

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Signature			
Typed or printed name	Pamela A. Knight	Date	August 12, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/767,398	01/28/2004	Joseph J. Settelmayer	YAK 382

23581  
 KOLISCH HARTWELL, P.C.  
 520 S.W. YAMHILL STREET  
 SUITE 200  
 PORTLAND, OR 97204

CONFIRMATION NO. 2860



\*OC000000015110382\*

PVR  
 YAK 382

Date Mailed: 02/04/2005

## RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

## Claims, Fees, and Inventors

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- ☐ The total number of claims appearing on the Filing Receipt does not include multiple dependent claims. The total fee appearing on the Filing Receipt includes the cost of multiple dependent claims that were present at the time the application was filed.
- ☐ The filing fee is correct. It may include additional claims fees and/or the surcharge under 37 CFR 1.16 (e) for filing an oath/declaration or basic filing fee after the application filing date; or it may not reflect fees refunded to the applicant that were paid by mistake.
- ☐ The number of claims reflected on the filing receipt is correct. Upon review of the claims, it was found that there was a miscalculation by the applicant. This may be due to improperly presented multiple dependent claims, typographical error, misnumbering of the claims, or other oversight. An amendment may be necessary to correct the problem.
- ☐ The filing fee reflected on the filing receipt is correct. Applicant may have miscalculated the fees due.
- ☐ Applicant calculated fees as other than small entity; however, applicant asserted small entity status in the application. Therefore, fees were applied as small entity and the remainder was refunded to the applicant.
- ☐ The difference between the fees paid and the fees due was refunded to the applicant and will not be shown on the filing receipt.
- ☐ The inventor information may be truncated if the family name consists of more than 50 characters (letters and spaces combined) and if the given name consists of more than 50 characters (letters and

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 By lm Date 2/11/05

spaces combined).

- ☐ The inventor's residence allows for up to 40 characters (letters and spaces combined).
- ☐ The inventor's residence will only include the city and state for U.S. residences or city and country for residences outside the U.S. (See MPEP 605.02).
- ☐ A petition to correct the inventorship is needed to make this change. See 37 CFR 1.48. For non-provisional applications, the petition should be directed to the Director of the examining group assigned to your application.
- ☐ Changes made after submission of an executed declaration to the inventor information other than correction of typographical errors must be submitted in the form of a substitute declaration. Change of inventorship requires a petition under 37 CFR 1.48.
- ☐ The number of drawings shown on the filing receipt reflects the number of drawing sheets submitted and is not necessarily equal to the number of figures submitted.
- ☐ The correspondence address was captured as directed by applicant on filing. If you wish correspondence to be directed otherwise, please submit a request for a change of address.
- ☐ The docket number allows a maximum of 25 characters.
- ☐ The person signing on behalf of the deceased inventor is reflected on the Filing Receipt as the legal representative.
- ☒ The filing date of a parent application cannot be changed by this request. A petition to correct the filing date in the parent application is required.

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

## **CAR TOP CARRIER**

### **Cross Reference to Related Application**

This application is based upon and claims priority under 35 U.S.C. §119 from U.S. Provisional Patent Application Serial No. 60/443,487 filed January 28, 2003 and from  
5 U.S. Patent Application Serial No. 10/662,123 filed September 11, 2003, each of which is incorporated herein by reference in its entirety for all purposes.

### **Field of the Invention**

The invention relates to assemblies for carrying cargo on a vehicle. In particular,  
the invention provides improvements for a box or trunk designed for mounting on top of  
10 a car.

### **Background of the Invention**

In recent years car top carriers in the form of boxes or trunks have become quite popular. Enclosed carriers are preferable over conventional open racks for a variety of reasons. Enclosed carriers protect cargo from the elements such as wind, rain, and snow.  
15 Enclosed carriers are also more secure from theft or vandalism.

However, some car top boxes have problems which make them difficult or cumbersome to use. For example, some boxes use a labor intensive bracket system to secure the box on to the crossbars of a vehicle roof rack. Bracket systems typically require the installer to reach extensively over the top of the car. Such bracket systems are  
20 impractical, particularly for a short person. The installer may have to practically climb into the open box to secure the brackets. This is especially a problem for a user who frequently wants to install or remove the carrier from the car.